OCT 1 7 2008

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant:

Beckman et al.

: Cust. No.:

000027777

Serial No.

10/815,004

: Group Art Unit:

3736

Filed:

March 31, 2004

: Examiner;

Rene T. Towa

For:

MARKER DEVICE AND METHOD OF DEPLOYING A CAVITY MARKER

USING BIOPSY DEVICE

Confirmation No. 1279

I certify this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office on October 17, 2008.

/Gerry Gressel/

/Gerry Gressel/ Gerry Gressel

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

PETITION UNDER 37 CFR 1.181 TO WITHDRAW HOLDING OF ABANDONMENT

Dear Sir:

A notice of abandonment for failure to pay the issue fee was mailed by the USPTO on 10/31/08.

This petition, submitted within 2 months of the notice of abandonment, is submitted with a faxed copy of the USPTO "Auto-Reply Facsimile Transmission" sheet showing the Issue Fee transmittal was in fact sent to the USPTO on September 9, 2008, and received by the USPTO.

A copy of the Issue Fee Transmittal, with Certificate of Facsimile Transmission, is also enclosed.

Withdrawal of the Holding of Abandonment is requested, as the abandonment was clearly a mistake on the part of the USPTO.

No fees are believed to be required.

10/815,004 END5096USNP

If the office disagrees, please call the undersigned immediately.

/Gerry Gressel/ Gerry Gressel, reg #34,342

Johnson & Johnson One Johnson & Johnson Plaza New Brunswick, NJ 08933-7003 (513) 337-3535

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Doc 126934

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UNITED STATES DEPARYMENT OF COMMERCE United States Patent and Trademark Office Address COMMISSIONER FOR PATENTS

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,004	03/31/2004	Andrew T, Beckman	END5096.0515521	1279
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This application is	abandoned in view of:			
		a proper reply to the Office letter mails	ed on	
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2. Applicant's months from	failure to timely pay the the mailing date of the	e required issue fee and publication f e Notice of Allowance (PTOL-85).	ee, if applicable, within the	statutory period of three
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 6. The decision court review 	on by the Board of Pat w of the decision has e	ent Appeals and Interference rendere xpired and there are no allowed cizims	d on and beca s.	use the period for seeking
7. The reason	n(s) below:			
		R 1.137(a) or (b), or request to without any negative offects on patent terms		onment under 37 CFR 1.181,
Telephone inquir	ies should be directed t	to the Office of Data Management at (5	571) 27 2-4200.	
Patent Publication Office of Data M				
FORM PYO-ABNO (Rev.	08/07)			

OCT 1.7.2008

o-reply fax to 7325242808 COMPANY;

Auto-Reply Facsimile Transmission



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TO:

Fax Sender at 7325242808

Fax Information Date Received: Total Pages:

9/9/2008 11:19:10 AM [Eastern Daylight Time]

1 (including cover page)

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